THE HONOURBALE SRI JUSTICE GODA RAGHURAM

WP NO.23891 OF 2006

Between:

Gangadasu Koti Reddy and another

....Petitioners

Vs.

The District Collector, Guntur and another

…Respondents

THE HONOURBALE SRI JUSTICE GODA RAGHURAM

WP NO.23891 OF 2006

ORAL ORDER

The writ petition was filed basing on a misapprehension. Notification under Section. 4(1) of the Land Acquisition Act,1894 (for short "the Act") was issued on 20-09-2006 for acquisition of an extent of Ac.1.50 cents of land that is specified to be a dry land in Thakkellapadu Village, Phirangipuram Mandal, Guntur District. The name of the 1st petitioner is set out in the column relating to pattadar/possessor. Notices inviting objections under Section.5-A of the Act were issued to the 1st petitioner on 01-11-2006. On 19-10-2006 itself the 2nd petitioner claims to have lodged objections to the process of acquisition. It is claimed in the writ petition that the 1st petitioner owns Ac.9.50cents of wetland in the village and has three daughters and a son. Out of this extent of land he gifted Ac.2.29 cents to the 2nd petitioner-his eldest daughter at the time of her marriage in 1993 and put her in possession in 1995. It is also claimed that the 2nd petitioner is also cultivating the land of an extent of Ac.2.29 cents. The grievance in this writ petition is that the 2nd petitioner despite being the owner and in possession of an extent of Ac.1.50 cents sought to be acquired out of Ac.2.29cents belonging to her, her name was not in the 4(1) notification nor have the objections lodged by her on 19-10-2006 been considered.

It is neither pleaded nor established by the petitioner that a declaration under Section.6 has yet been issued. The writ petition is

silent on this aspect. There is not even an allegation that even without issuance of a draft declaration under Sec.6 or proceeding further with the process of acquisition, any of the respondents or their officials are threatening unlawful dispossession of the petitioners.

In the circumstances the writ petition is filed on a mere apprehension and is accordingly dismissed. It is open to the petitioners to approach the Court as and when a cause of action arises.

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GODA RAGHURAM,J

21st AUGUST 2007
PVSN/*TSNR